

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 6, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ZON-33240 - APPLICANT/OWNER: DEAN HARDY AND
ILANA KLYM, ET AL**

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Reversionary Final Map (FMP-33197) shall be recorded prior to the adoption of the zoning ordinance.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for the Rezoning of property from R-1 (Single Family Residential) to P-R (Professional Office and Parking) on 0.35 acres located at 610 South 9th Street. The existing office use was permitted as a use within the R-1 (Single Family Residential) zoning district through Variances (V-0085-84 and V-0014-90) approved on 07/26/84 and 03/22/90, respectively. The subject property currently consists of one office building on two parcels, APNs 139-34-810-063 and 064. The applicant has submitted and received approval of the technical review for a Reversionary Final Map (FMP-33197), which will facilitate the combining of both parcels into one single parcel and eliminating the parcel line which runs through the center of the property. As the requested Rezoning to the P-R (Professional Office and Parking) district is consistent with the existing Mixed Use (MXU) General Plan designation, and the existing use will conform to both Title 19 and the General Plan, staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/26/84	The Board of Zoning Adjustment approved a request for a Variance (V-0085-84) to allow law offices in an R-1 (Single Family Residential) Zone at 610 South 9 th Street.
03/22/90	The Board of Zoning Adjustment approved a request for a Variance (V-0014-90) to allow a general business office and to allow a proposed two-story addition five feet from the south property line where a minimum of nine feet is required on properties located at 610 and 614 South 9 th Street. Staff recommended approval of the general business office and denial of the setback reduction request.
04/03/90	The Planning and Development Department administratively approved a Plot Plan and Elevation Review [V-0014-90(1)] of an office building at 610 and 614 South 9 th Street.
01/28/09	The Planning and Development Department administratively approved a request for a Reversionary Final Map (FMP-33197) for reversion to acreage of approximately 0.35 acres at 610 and 614 South 9 th Street.
03/26/09	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #17/dc).
<i>Related Building Permits/Business Licenses</i>	
09/19/90	A building permit (#90083253) was issued for the demolition of an existing building at 614 South 9 th Street. The permit was never finalized was and deemed inactive on 11/18/92.

10/10/90	A building permit (#90087289) was issued for a building addition at 610 South 9 th Street. The permit received final approval on 05/17/91.
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10/29/90	A building permit (#90087288) was issued for onsites for a building addition at 610 South 9 th Street. The permit received final approval on 05/09/91.
05/21/01	A building permit (#01009045) was issued for patio cover/carport additions at 610 South 9 th Street. The permit received final approval on 06/18/01.
08/29/05	A business license (#Q13-00256) was issued for a law office at 610 South 9 th Street. The business license is still active.
01/06/09	A business license (#M18-04602) was issued for consulting at 610 South 9 th Street. The business license is still active.
<i>Pre-Application Meeting</i>	
01/06/09	A pre-application meeting was held where the submittal requirements of a Rezoning were discussed with the applicant.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not held, nor was one required.	

<i>Field Check</i>	
02/19/09	A field check was conducted by staff at the subject site. The subject property was observed to be a well-maintained two-story office building with a residential character.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.35

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office	MXU (Mixed Use)	R-1 (Single Family Residential)
North	Office	MXU (Mixed Use)	R-1 (Single Family Residential)
South	Office	MXU (Mixed Use)	R-1 (Single Family Residential)
East	Single-Family Residence and Undeveloped Lot	MXU (Mixed Use)	R-1 (Single Family Residential)
	Office	MXU (Mixed Use)	P-R (Professional Office and Parking)
West	Office	MXU (Mixed Use)	P-R (Professional Office and Parking)
	Office	MXU (Mixed Use)	R-1 (Single Family Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Las Vegas High School Neighborhood Historic District	X		Y*
Downtown Redevelopment Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		Y
Live/Work Overlay District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

* There are no current design standards or guidelines which have been approved for this district.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	15,236 SF	Y*
Min. Lot Width	60 Feet	115 Feet	Y*
Min. Setbacks			
• Front	20 Feet	20 Feet	Y*
• Side	5 Feet	5 Feet	Y*
• Rear	15 Feet	55 Feet	Y*
Max. Lot Coverage	50 %	35%	Y*
Max. Building Height	N/A	Existing	Y

* These figures represent both APNs 139-34-810-063 and 064 combined. A condition has been added requiring the applicant to record the Reversionary Final Map (FMP-33197) prior to the adoption of the zoning ordinance, which will join the two existing parcels.

ANALYSIS

This is a request for the Rezoning of property from R-1 (Single Family Residential) to P-R (Professional Office and Parking) on 0.35 acres located at 610 South 9th Street. The P-R (Professional Office and Parking) district is intended to allow for office uses in an area which is predominately residential but because of traffic and other factors is no longer suitable for the continuation of low density residential uses. This district is designed to be a transitional zone to allow low intensity administrative and professional offices. These uses are characterized by a low volume of direct daily client and customer contact. To decrease the impact to adjacent residential uses, single-family structures should be retained or new development in the P-R (Professional Office and Parking) district should be constructed to maintain a residential character. The P-R (Professional Office and Parking) district is consistent with the O (Office) category of the General Plan.

The subject property has a current General Plan designation of Mixed Use (MXU). The MXU (Mixed Use) designation allows for commercial uses that are normally allowed within the L (Low Density Residential), ML (Medium-Low Density Residential), M (Medium Density Residential), H (High Density Residential), O (Office), SC (Service Commercial) and GC (General Commercial) General Plan land use categories. The existing office building is compatible with this land use designation and the neighboring land uses, which are intended for lower intensity office related uses.

The existing office use on the subject property was permitted as a use within the R-1 (Single Family Residential) zone through Variances (V-0085-84 and V-0014-90) approved on 07/26/84 and 03/22/90, respectively. While the existing use Variance (V-0085-84) is legally valid, the proposed Rezoning of these parcels will further bring this existing use into compliance with the current requirements of Title 19. Additionally, the subject property consists of two parcels, APNs 139-34-810-063 and 064. The applicant has submitted and received approval of the technical review for a Reversionary Final Map (FMP-33197), which will facilitate the combining of both parcels into one single parcel and eliminating the parcel line which runs through the center of the property. A condition has been added requiring the applicant to record the Reversionary Final Map (FMP-33197) prior to the adoption of the zoning ordinance. Staff finds that the proposed Rezoning is consistent with the existing MXU (Mixed Use) General Plan designation and the existing P-R (Professional Office and Parking) zoning districts to the east and west and recommends approval of this Rezoning application.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. "The proposal conforms to the General Plan."

The requested Rezoning to the P-R (Professional Office and Parking) is consistent with the existing MXU (Mixed Use) General Plan designation, and the existing use will conform to both Title 19 and the General Plan.

2. "The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts."

The uses allowed by the requested zoning district will be compatible with the surrounding office uses to the north, south, east and west. The existing office use has been in existence on the subject site since 1984.

3. "Growth and development factors in the community indicate the need for or appropriateness of the rezoning."

Growth and development factors indicate a need for low intensity commercial and professional office activities to locate in this area. Given the existing General Plan designation of MXU (Mixed Use) on the subject site, the rezoning to the P-R (Professional Office and Parking) zoning district is appropriate for the area.

4. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

The site is accessed by 9th Street, a 60-foot Local Street, as denoted by the Master Plan of Streets and Highways, which is adequate for the existing use on site.

PLANNING COMMISSION ACTION

The applicant agreed to all conditions at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 185 by City Clerk

APPROVALS 1

PROTESTS 0